(4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.NO. 16 OF 2002

BETWEEN

1. Rukhmani W/o Sushil Mahanti ,aged about 50 years.
2. Amar Prasad S/o Jugal Koshta.
3. Sidh Ram S/o Amrit Lal Koshta .
4. Birjhu S/o Ramdayal Bichiya.
5. Deoki Bai W/o Shyam Lal Koshta.
6. Lal Ram S/o Ghasiya Koshta .

   All resident of Sanjay Nagar Raigarh.

7. Khemraj Agrawal S/o Late Ramdhari Agrawal,Special Power of Attorney Holder of Jhugi Jhopadi Sangarsh Samiti Pattedhari under Rajiv Gandhi Ashray Plan, R/o Satti Gudi Chowk, Masta Gali, Raigarh.

PETITIONERS

A N D

P.R. No. 16/02
Presented by Shri S. Zimbhare
dated 2/1/02

1. State of Chhattsigarh,through the Secretary Department of Revenue, D.K.Building, Raipur.
2. State of Madhya Pradesh, through the Secretary Revenue Department, Vallabh Bhavan,Bhopal.
3. Union of India,

   Through Ministry of Railways, NEW DELHI.

4. General Manager,

   South Eastern Railways, Green Reach,

   Calcutta.

5. Divisional Railway Manager, South Eastern Railway Bilaspur .
6. Senior Divisional Engineer,S.E.Railway, Bilaspur.
7. Junior Engineer/Section Engineer(Works) S.E.Railway, Raigarh.
8. Collector Raigarh.
9. Superintendent of Police Raigarh.
10. Sales Tax Department, through Assistant Commissioner, Sales Tax, Bilaspur.

Section Incharge
Constitutional Cases
Office of the Advocate General
State of Chhattisgarh
BILASPUR

Copy Received
Del
1/1/02
Counsel for A.G. Chhattisgarh

RESPONDENTS

..02.

(5)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(67)

आदेश पत्रक

मामला क्रमांक W.P. No 16/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

02-09-2002

Shri Awadh Tripathi, counsel for the petitioners.

Shri Ranbir Singh, Govt. Adv. for respondent Nos. 1 and 10.

Shri Abhishek Sinha, counsel for respondent Nos. 3 to 7.

Heard.

In view of the limited nature of the controversy involved, on the prayer and with the consent of learned counsel for the parties, the matter is being disposed of at the admission stage.

The petitioners have approached this Court for issuance of an appropriate writ, direction or order restraining the opposite parties, in particular, the Railway Administration from demolishing the dwelling units/structures and evicting them from the land of which they are in possession.

The case of the petitioners is that they were allotted plots of land under the Rajiv Gandhi Aashray Yojana and they are in possession thereof as lessees. It is their further case that they have not encroached upon any additional land nor have put up any dwelling units/structures thereon. On the other hand, the case of the Railway Administration is that the petitioners have encroached upon the land belonging to the Railway Administration and not

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (68)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

leased out to them and that they have put up dwelling units/structures which is causing obstruction/nuisance. It is further averred that a notice under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 was issued to the petitioners but instead of filing any reply or show cause, they have rushed to this Court and have obtained interim orders by contending that the Railway Administration is forcibly evicting them and demolishing their dwelling units/structures without giving them an opportunity of hearing.

At the time of hearing statement is made by the learned counsel at the Bar on behalf of the Railway Administration that no action of eviction or demolition of the dwelling units/structures in occupation of the petitioners shall be taken without according an opportunity of hearing to the petitioners and that any action taken shall be in accordance with law. In support of his contention reference was made to the notice, which was served on the petitioners. In this view of the matter, there can be no question of any apprehension in the minds of the petitioners that action shall be taken against them without according to them an opportunity of hearing or in contravention of law.

[पीछे देखिये

XI-HC-22

(69)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In the above view of the matter and having heard learned counsel, the Court is of the opinion that in the facts and circumstances of the case, it would be appropriate for the petitioners to participate in the proceedings for which a notice has been issued. Accordingly, this writ petition is disposed of by directing the petitioners to file a show cause before the appropriate Authority, which is Section Engineer (Works), South Eastern Railway Raigarh. The petitioners shall appear before the said authority on 23/09/2002 as agreed on which date they shall file reply to the notice issued to them and thereafter the authorities shall proceed to dispose of the matter in accordance with law and after hearing the petitioners. With the aforesaid observations and directions, the writ petition stands disposed of. Certified copy as per rules. **Sd/-** **P.C.Naik** **Judge**	

[पीछे देखिये

Raju

23/9

17/9/09